



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Langley Lions Senior Citizens Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD OPC

Introduction

This hearing dealt with an application by the landlord for an order of possession based on a one month Notice to End Tenancy and a monetary order. Both parties attended the hearing and had an opportunity to be heard.

At the outset of the hearing the landlord advised that it was withdrawing its request for a monetary order at this time. As a result the landlord's request for an order of possession was the only remaining issue to be addressed.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The following is relevant and undisputed evidence: On June 30, 2015 the landlord served the tenant with 1 Month Notice to End Tenancy for Cause. The Notice was personally served on the tenant by leaving it with the tenant's adult son who was apparently residing with the tenant. The tenant testified that she was aware of the Notice and that she did not want to dispute it. The Notice has an effective date of July 31, 2015. The tenant has not filed an application to dispute the Notice and has not moved out of the rental unit.

At the hearing the landlord requested an order of possession effective October 31, 2015.

Analysis

Section 47 of the Act requires that upon receipt of a Notice to End Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an

Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired.

Based on the undisputed evidence I find that the Tenant was validly served with the Notice on June 30, 2015. As the Tenant has not disputed the Notice and has not moved out of the unit, I find that the Landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the Landlord effective October 31, 2015. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 30, 2015

Residential Tenancy Branch